

**Conservation Commission Meeting Minutes
September 25, 2013**

Members Present: Louis A. Napoli, Chairman, Joseph W. Lynch, Jr. Vice Chairman, John T. Mabon, Albert P. Manzi, Jr. (arrived 7:25 p. m.), Douglas W. Saal.

Members Absent: Deborah A. Feltovic, Sean F. McDonough.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:02 PM Quorum Present.

Public Hearings: 7:04PM

Amendment

242-1431, 1 Pond Street (Peterson) (ASB Design Group, LLC)

- The applicant Eric Peterson of 202 High Street is present.
- The administrator reviews the proposed changes including moving the house location, extending the driveway and adding a detached garage. New LID measures are also proposed.
- Mr. Lynch supports the changes and states there is a reduction in vulnerability of the resource areas with this plan. He recommends adding a bump out in the driveway to make backing out of the garage more practical.
- The commission discusses the prior plan and how the order will change to incorporate these changes.
- A motion to accept the amendment as proposed is made by Mr. Mabon, seconded by Mr. Saal.
- Vote unanimous.

Documents:

- *Letter from Eric S. Peterson of 202 High Street dated 9/13/13*
- *Site Plan dated 9/12/13*

Notice of Intent (NOI)

242-1593, 16 Berry Street (North Andover Holdings, LLC) (LEC Environmental Consultants, Inc.) (cont. from 9/11/13) (Request to cont. to 10/9/13)

- A motion to grant the request for a continuance to the October 9, 2013 meeting is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

Document:

- *Letter from LEC Environmental Consultants, Inc. requesting a continuance to October 9, 2013 dated 9/19/13*

NACC#117, 50 Royal Crest Drive (AMICO North Andover, LLC) (Cornerstone Land Consultants, Inc.)

- Administrator states Eggleston Environmental has reviewed the project and is satisfied with the drainage proposal.
- A motion to close and issue a decision within 21 day is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Cornerstone Land Consultants, Inc. Operation & Maintenance Manual dated 9/11/13*
- *Notice of Intent Site plan dated 8/1/13*
- *Eggleston Environmental letter dated 9/11/13*

242-1589, 1077 Osgood Street (Angus Realty Corporation) (Lynnfield Engineering, Inc.) (cont. from 9/11/13)

- The applicants Alan Yameen & Thomas Yameen, and Greg Shaw of Pentucket Bank One Merrimack Street, Haverhill, and Lorene Dubeuis of 20 Spring Hill Road, Mt. Vernon , NH, Richard Barthelmes of Lynnfield Engineering, Michael J. Juliano of Lynnfield Engineering, Inc. are present.
- Administrator the outstanding concerns of Eggleston Environmental regarding the stormwater management system.
- Mr. Barthelmes presents the revisions to the stormwater plan as well as the O&M and associated costs.
- Mr. Juliano reviews TSS removal provided by the system and explains the maintenance costs.
- Mr. Mabon asks if the system treats the entire site.
- Mr. Juliano states that it only handles a portion of the existing site, approximately 30,000 s.f.
- Mr. Lynch asks about construction phasing.
- Mr. Juliano reviews the detailed construction schedule submitted. Parking during construction is discussed.
- Mr. Napoli asks about height of retaining wall in parking lot. Applicant states it is about 12" above pavement with a guard rail.
- Mr. Napoli asks about snow storage along that wall and states there will need to be no-snow stockpiling signs there.
- The administrator states the property owners have a plan for snow storage and there were no snow storage issues last winter. The administrator also asks for natives plantings in the buffer zone and that invasive species are not re-used on site.
- A motion to close and issue a decision within 21 days is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Letter from Lynnfield Engineering, Inc. dated 9/17/13*

- *Inspection and Maintenance Plan Stormwater Management System dated 9/16/13*
- *Supplemental Water Quality Analysis dated 8/29/13*
- *Overall Site Improvement Plan dated 8/29/13*
- *Plot Plan of Land Sheet C-1 dated 8/29/13*
- *Existing Condition Plan Sheet C-2 dated 8/29/13*
- *Erosion & Sedimentation Control Plan Sheet C-3 dated 8/29/13*
- *Overall Site Improvement Plan Sheet C-4 dated 8/29/13*
- *Site Layout Plan Sheet C-5 dated 8/29/13*
- *Site Grading Drainage and Utility Plan Sheet C-6 dated 8/29/13*
- *Site Details Sheet C-7,8,9,10 & 11 dated 8/29/13*
- *Exterior Elevations Sheet A-210 dated 8/29/13*
- *Exterior Elevations Sheet A-211 dated 8/29/13*
- *Site Lighting Sheet E-1 dated 8/29/13*
- *Site Lighting Photometer Plan Sheet E-2 dated 8/29/13*
- *Landscape Plan Sheet L-1 dated 8/29/13*
- *Vehicular Access Plan Sheet VA-1 dated 8/29/13*
- *Layout Sketch Plan dated 9/24/13*
- *North Andover MIMAP Commerce Way Drainage dated 9/24/13*

242-1600, 1845 Great Pond Road (Lot 1) (Dehullu) (WGH) (cont. from 8/14/13)

- The applicant Stephen Dehullu of Dehullu Homes and William Holt of WGH Design are present.
- Mr. Holt reviews the changes made to the house plan. Changes include moving house so it is now 53.5 feet away. A one-foot wall is needed to make grades work. A construction entrance with a sediment sump has been added. A revised planting plan has also been submitted which includes a reduced lawn area with native perennials and request for some flexibility in choice of annuals. The infiltration trench has water stops every 20' to address Eggleston Environmental concerns.
- ZBA and Planning Board concerns have been addressed.
- A motion to close and issue a decision within 21 days is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Document:

- *Landscape Plan, Special Permit Plan, Site Plan revised 8/27/13, revised 8/31/13 revised 9/13/13.*

242-1603, 315 South Bradford Street (Smolak Farms, LLC) (ESS) (cont. from 9/11/13) (Request to cont. to 10/9/13)

- A motion to grant the request for a continuance to October 9, 2013 meeting is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

Document:

- *E/Mail from Michael Smolak requesting a continuance to October 9, 2013 meeting dated 9/24/13.*

242-1601, Cotuit & Leyden (Burke Esq.) (Pennoni Associates, Inc.) (cont. from 9/11/13)

- Benjamin C. Osgood, Jr. of Pennoni Associates, Inc. is present.
- Joseph Lynch recused himself as a direct abutter.
- Mr. Osgood summarizes review letter submitted by Eggleston Environmental including work that needs to be done to existing system to bring it into compliance. He requests to do the COC work under an Enforcement Order.
- Mr. Mabon asks about erosion control in NDZ.
- The commission discusses stormwater management maintenance under a condominium association. Attorney Burke is working on this.
- The commission discusses the logistics of closing out the old order and issuing a new order.
- Mr. Osgood states the new portions of the work would be bonded.
- There is a review of the history of the ownership and the market influences on the project.
- Administrator states there are stonewall barriers already in place at the 25' NDZ.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter from Eggleston Environmental dated 9/19/13*
- *Lots 2 & 5 Cotuit Street & Leyden Proposed Site Plan dated 9/23/13*

242-1602, 351 Willow Street (Muffin Realty Trust) (The Neve-Morin Group, Inc.)

- Robert Ogden of Muffin Realty Trust, John Mon of Muffin Realty Trust, Paul Prue of Muffin Realty Trust, and John Morin of The Neve-Morin Group, Inc. are present.
- Mr. Manzi reads the legal notice.
- Mr. Morin states the proposed project is a requirement of the Greater Lawrence Sanitary District. Bake and Joy must remove more solids from their effluent before discharging to the sewer system. The treatment system was designed by Aries Chemical. Mr. Morin reviews the flagged resource areas and presents the components of the project including a treatment building, sludge tank and force main. There will be tree removal and additional lawn area as part of the project. A small water quality basin will also be added.
- Mr. Mabon and Mr. Morin discuss what will be treated as part of the new system.
- Mr. Lynch asks about the O&M plan including how the sludge will be vacuumed and if there is containment.
- Mr. Morin states the pump out will be on the pavement and there will be an earth berm on the back side.
- Mr. Saal discusses the route of the water service.
- Mr. Morin reviews all the utilities already buried in the parking lot.
- Mr. Morin reviews the waivers requested for the utility lines.
- Mr. Lynch states the system would have an alarm system in case any thing would go wrong on the site.
- Steve Caron of Andover voices support for the project.
- A motion to accept the waiver request for work in the 25-foot no-disturbance zone (within roadway) is made by Mr. Lynch, seconded by Mr. Mabon.

- Vote unanimous.
- A motion to close and issue a decision within 21 days is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *Letter from The Neve-Morin Group, Inc. dated 8/29/13*
- *North Andover Conservation Commission Waiver Request Form dated 8/29/13*
- *Construction Schedule detail dated 8/29/13*
- *NOI Wetland Fee Transmittal Form*
- *Legal Notice*
- *Copy of State and Local Checks*
- *Certified Abutter List dated 8/12/13*
- *Notification to Abutter's Form*
- *Stormwater Management Checklist Calculations and Illicit Discharge Compliance Statement Bake N Joy-Sewer Improvement Project dated 8/29/13*
- *Long Term Operation & Maintenance Plan for Bake N Joy dated 8/29/13*
- *Plan of Land Proposed Sewer Improvements dated 8/29/13*

General Business: 7:50 PM

242-1532, Modification Request, 93 Cricket Lane (Fluth) (Merrimack Engineering Services, Inc.)

- The applicants Jerome C. and Ramona H. Fluth of 93 Cricket Lane, and Kevin Fluth of 93 Cricket Lane are present.
- Administrator states the applicant is requesting a waiver for a proposed deck and walkway within the 50-foot No-Build zone.
- Mr. Fluth states the ramp will be 1 step and then a level with ground. The walk will parallel the house to the drive.
- Mr. Saal states the ramp should be sketched on a plan and should meet handicap access code.
- Mr. Manzi states he is in favor of allowing the handicap ramp within the 50-foot No-Build zone. States waivers were meant for requests like this.
- Mr. Lynch states porous pavers could be allowed.
- Mr. Napoli asks why the need for such a large deck.
- Mr. Fluth states the 16 x 16' deck is to accommodate a wheel chair and table and chairs and water would run thru the deck into the ground.
- Mr. Lynch states that waivers of the 50' No-Build Zone are rarely granted. Suggests improvements could be removed when need for them no longer exists.
- Mr. Saal reiterates need for sketch of ramp. If higher than 2' a rail will be required.
- Mr. Fluth states the handicap ramp would have to be wide enough for wheel chair to be able to pass thru the back yard from the driveway.
- A motion to accept the waiver request for work within the 50-foot No-Build zone is made by Mr. Lynch, seconded by Mr. Manzi.

- Vote unanimous.
- A motion to issue the modification as proposed with a sketch the handicap ramp to be required preconstruction.
- Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Letter from Jerome C. and Ramona H. Fluth for waiver request of the 50-foot No-Build zone dated 9/10/13*
- *Photos dated 9/10/13*
- *North Andover Conservation Commission Waiver Request form dated 9/10/13*
- *Sketch Plan from M,D Sullivan Building Contractor dated 9/10/13*
- *Plan of Land Sketch of proposed deck dated 9/10/13*

242-1581, Modification Request, 1053 Salem Street (Jeffco, Inc.) (Merrimack Engineering Services, Inc.)

- Mr. Manzi recuses himself and leaves the room as he has a conflict.
- Administrator states the applicant will not be able to connect to sewer and has added a septic system to the plan. There is no change to the work in jurisdiction.
- Mr. Lynch and Mr. Mabon comment that minor appurtenances still need to be shown on the plan.
- A motion to issue the modification is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter from Merrimack Engineering Services, Inc. dated 9/17/13*
- *Copy of Check*
- *Site Plan of Land dated 9/17/13*

242-1261, COC Request, Cotuit & Leyden Street (Burke, Esq.) (Pennoni Associates, Inc.) (cont. from 9/11/13)

- Benjamin C. Osgood, Jr. of Pennoni Associates, Inc. is present.
- Mr. Lynch recused himself and left the room as he is a direct abutter to the project.
- Administrator states there are portions of the stormwater management system that need to be completed before this project can receive a COC.
- Mr. Mabon asks if the new unit drains to this system.
- Mr. Osgood reviews the portions of the project that drain to the constructed system. He states the current order is expired and would like an EO to issue for the remaining work which includes: cleaning the pond, installing a forebay and spillway and installation of a trash rack. Work would be done with a small tractor.
- A motion to issue an Enforcement Order to bring the site into compliance is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Document:

- *Letter from Eggleston Environmental dated 9/19/13*

242-1298, COC Request, 315 South Bradford Street (Smolak Farm, LLC) (Request to cont. to 10/9/13)

- A motion to grant the request for a continuance to the October 9, 2013 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

Document:

- *E/Mail from Michael Smolak requesting a continuance to October 9, 2013 meeting dated 9/24/13.*

242-1577, COC Request, 78 Great Pond Road (Lot B) (TLD, LLC) (Sullivan Engineering Group, LLC)

- The applicant Thomas D. Zahoruiko of TLD, LLC is present.
- Administrator states the site is stable, erosion controls have been removed and wetland makers are installed on the fence. The generator added to the plan was approved during a request for a gas permit.
- A motion to issue the COC is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter from Sullivan Engineering Group, LLC dated 9/8/2013*
- *WPA Form 8A-Request for Certificate of Compliance dated 9/18/12013*
- *As-Built Plan of Land dated 9/9/2013*
- *Photos dated 9/25/13*

242-1524, COC Request, Riverview and Charles Streets (Greater Lawrence Sanitary District) (Kleinfelder)

- Richard Weir of Lawrence Sanitary District 240 Charles Street is present.
- Administrator reviews the COC submittal and the contract for future replication area monitoring with Rimmer Environmental.
- Mr. Saal asks who is responsible for the restoration area seeding.
- Mr. Weare states that the contractor is responsible.
- Mr. Napoli asks if the materials stockpile has been removed.
- Mr. Weare states that a small loam pile remains.
- Mr. Mabon states that the monitoring agreement is part of the record.
- Mr. Saal states states that if reseeding is required it could be done under an Enforcement Order.
- A motion to issue the COC is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Letter from Greater Lawrence Sanitary District dated 9/9/2013*
- *Letter from Kleinfelder dated 8/26/2013*
- *Letter from Rimmer Environmental Consulting, LLC dated 7/16/2013 monitoring report*
- *Photo dated 7/16/13*
- *WPA Form 8A-Request for Certificate of Compliance date 9/10/2013*
- *As-Built Plan dated 9/10/2013*

**242-1561, COC Request, 109 Nutmeg Lane (Gorman) (Marchionda Associates, L. P.)
(cont. from 9/11/13) (Request to cont. to 10/9/13)**

- A motion to grant the request for a continuance to October 9, 2013 meeting is made by Mr. Manzi, seconded by Mr. Mabon.

- Vote unanimous.

Document:

- *E/Mail from Liz Gorman of 109 Nutmeg Lane requesting a continuance to October 9, 2013 meeting dated 10/4/13.*

Enforcement Order

242-1340, 1171 Turnpike Street (Uncle Bob's Self Storage)

- Administrator recommends issuing an Enforcement Order to permit excavation of a driveway culver and swale to design grade per 1987 plan recorded under DEP# 242-428. O&M only allowed for hand cleaning of swale and the situation is well beyond that. (Photos are shown).
- Mr. Lynch states the lack of maintenance of the culvert has been a problem for many years.
- Administrator states an O & M plan was submitted with the DEP filing #242-1430.
- Mr. Manzi states the swale should be rebuilt.
- Mr. Napoli states the O&M must be adhered to.
- Mr. Lynch states maintenance records should be submitted by July 1 of every year.
- The commission discusses DEP File #242-1340 and asks for review of file to see what work was done.
- A motion to ratify the Enforcement Order is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

Document:

- *The Conservation Commission signed the Enforcement Order*
- *WPA Form 9-Enforcement Order*
- *Photos dated 9/25/13*
- *Photos rain event*

Decisions

NACC#117, 50 Royal Crest Drive

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

242-1600, 1845 Great Pond Road

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.

- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

242-1601, Cotuit & Leyden Streets

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Discussions

242-1480, 14 Lorraine Avenue

- Administrator reviews photos of dead trees that the owner wishes to remove during construction.
- The Conservation Commission gives permission to remove the trees as seen.

242-1534, 500 Great Pond Road

- Administrator presents photos of split tree that owner would like to remove.
- The Conservation Commission gives permission to have the tree removed.

242-1428, Lot 4N-A Turnpike Street

- Administrator reviews as-built vs proposed plans and points out changes to wetland line.
- Structures are in proper location.
- Patrick Garner plans to review the wetland line to see where the errors are coming from.
- The applicant would be submitting new plans with the correct wetland line on the plans.

A motion to adjourn the meeting at: 9:40 PM is made by Mr. Manzi, seconded by Mr. Lynch.

Vote unanimous.